

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

Lance Wickner,

Civil No. 12-1452 (DWF/FLN)

Plaintiff,

v.

**ORDER ADOPTING REPORT  
AND RECOMMENDATION**

Robert Bender, Thomas Cherro,  
and Jeff Laine,

Defendants.

The above matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge Franklin L. Noel dated January 26, 2017. (Doc. No. 35.) No objections have been filed to that Report and Recommendation in the time period permitted. The factual background for the above-entitled matter is clearly and precisely set forth in the Report and Recommendation and is incorporated by reference. Based upon the Report and Recommendation of the Magistrate Judge and upon all of the files, records, and proceedings herein, the Court now makes and enters the following:

**ORDER**

1. Magistrate Judge Franklin L. Noel's Report and Recommendation dated January 26, 2017 (Doc. No. [35]) is **ADOPTED**.

2. Defendants' collective motion to dismiss (Doc. No. [13]) is **DENIED AS MOOT**.

Dated: February 17, 2017

s/Donovan W. Frank  
DONOVAN W. FRANK  
United States District Judge